

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CARLO FALCHINI, Sr., et al., :
Plaintiffs, :
v. : Case No. 03:12-cv-108-KRG-KAP
UNITED STATES OF AMERICA :
Defendant :

Memorandum Order

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b), and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on February 17, 2015, docket no. 26, recommending that the defendant's motion for summary judgment, docket no. 21, be granted in part and denied in part.

The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Reports and Recommendations. The defendant filed timely objections, docket no. 27, and in response the Magistrate Judge filed a supplement to the Report and Recommendation, docket no. 28. No objections were filed by plaintiffs, and the time to do so has expired.

After de novo review of the record and the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 17th day of March, 2015, it is

ORDERED that defendant's motion for summary judgment, docket no. 21, is granted in part and denied in part. The Report and Recommendation at docket no. 26 is adopted as the opinion of the Court. It is further

ORDERED that pursuant to 28 U.S.C. § 636(b)(2) and Fed.R.Civ.P. 53(b), Magistrate Judge Pesto is designated as special master in this matter and shall promptly conduct an evidentiary hearing and submit proposed findings of fact and conclusions of law on the remaining claim in this matter. The appointment of a master under Rule 53 is deemed appropriate because: 1) this is a nonjury FTCA claim; 2) the plaintiffs are proceeding *pro se*; 3) it is probable that a view of the site will have to be scheduled; and 4) due to the priority of criminal felony trials the Court would not list this matter for trial on a date certain.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

Carlo Falchini, Jr.
Carlo Falchini, III
Francis Falchini, Jr.
Judette Falchini
834 W. High Street
Ebensburg, PA 15931